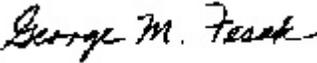


MEMORANDUM FOR FELIX A. QUINTANA
Administrator for Metal and Nonmetal
Mine Safety and Health

FROM: GEORGE M. FESAK 
Chairman, MSHA Fatality Review Committee

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: M-2007-31
Date of accident: February 16, 2007 Date of death: February 16, 2007
Mine: Atlanta Plant

Operating Co.: Lafarge Building Materials
Decision: non-chargeable

In a unanimous decision the Fatality Review Committee has determined that the death of the decedent should be non-chargeable to the mining industry. The deceased, a 66 year old customer truck driver, was found in his truck in the staging area of the plant. The doors were locked and the engine running. The decedent was unresponsive and was determined to be deceased. No signs of an injury were found and the toxicology results were negative. The autopsy report indicated that the cause of death was "Atherosclerotic Cardiovascular Disease". The autopsy also found "Severe Coronary Atherosclerosis of all three vessels". The members of the committee felt that the death of the decedent was natural in nature and not related to work activity.

cc: Richard E. Stickler
John Pallasch
Robert M. Friend